

[Advisory Opinion 1994-11]

MEMORANDUM

July 12, 1994

TO: [Name 1 withheld]
Montgomery County Board of License Commissioners

FROM: Jay L. Cohen, Chair [initialed]
County Ethics Commission

RE: Request for Advisory Opinion

You have requested an advisory opinion concerning whether the Office of the Board of License Commissioners (BLC) may accept up to two tickets per Commissioner and parking passes to attend the Kemper Open Golf Tournament.

The information you have provided reflects that tickers and parking passes have been sent to the BLC by the Tournament Players Club at Avenel, which hosted the Kemper Golf Tournament in 1994. The Club maintains a Class C, Country Club, Beer, Wine and Liquor License which is regulated by the BLC. The tickets have a value of approximately \$30 per ticket and were made available to BLC staff and Commissioners.

Pursuant to the Montgomery County Ethics Law:

[A] public employee must not knowingly accept a direct or indirect gift from any individual or organization that the public employee knows or reasonably should know:

* * *

- (2) does business with the County agency with which the public employee is affiliated;
- (3) owns or operates a business that is regulated by the County agency with which the public employee is affiliated

§19A-16(c)(2) and (3) of the Montgomery County Code 1984, as amended. This subsection does not apply to:

* * *

- (3) items of personal property, other than cash, worth less than \$10;

* * *

- (5) gifts to a public employee who must file a public financial disclosure statement under subsection 19A-17(a), if the gift:
 - (A) is a courtesy extended to the office; and
 - (B) consists of tickets or free admission for the employee and one guest to, or meals and beverages served at, a charitable, cultural, civic, labor, trade, sports, or political event . . .

§19A-16(d)(3) and (5) of the Montgomery County Code 1984, as amended.

A public employee in the BLC must file a public financial disclosure statement only if designated by the County Executive by Executive Regulation. §19A-17(a)(4) of the Montgomery County Code. Pursuant to Executive Regulation 103-92, only the Administrator of the BLC must file a public financial disclosure statement; all other employees and commissioners must file a confidential financial disclosure statement.

Inasmuch as the tickets exceed \$10 in value and the staff and commissioners of the BLC do not file public financial disclosure statements, the Ethics Commission has determined that the tickets are a prohibited gift under the Ethics Law and may not be accepted by the staff or commissioners.

If you have additional questions, please do not hesitate to contact the Commission.

2712.JLC.rpc